

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2006-007524

05/18/2015

HONORABLE GEORGE H. FOSTER, JR.

CLERK OF THE COURT  
A. Ocanas  
Deputy

IN RE THE MATTER OF  
ROBERT WILSON PETERS JR.

JENNIFER W SHICK

AND

TAMMY LYNNE PETERS

TAMMY LYNNE PETERS  
39616 N. 10TH STREET  
PHOENIX AZ 85086

MINUTE ENTRY

The Court submits this supplemental ruling for guidance to the parties.

The Petitioner filed a Motion to amend the decree in this matter as a means of enforcing a judgment that was awarded to Husband as part of the party's decree of dissolution. Husband has tried on several occasions to enforce the payment of the judgment except that he has not attempted to have the Sheriff execute on it.

The Court also notes that Husband attempted enforcement before a prior judicial officer. That attempt resulted in orders that Respondent's sole and separate property be sold and the proceeds paid to Husband to satisfy the debt. The Court appointed a special real estate commissioner to affect the sale. After a lengthy period of trying and several Court interventions, the property was listed for sale. However, the sale fell through. The property is not without problems; it is in significant disrepair and does not have a water connection. These matters have caused the property to be marketed as an all cash deal further shrinking the market of potential purchasers. It is due to the failure of the property to sell that Petitioner seeks further relief.

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The Court indicated that an amendment of the decree at this time is not timely under Rules 83 or 85 and former Rule 84. Even if the Court were to consider the request to be made under A.R.S. § 25-318.P. the motion is untimely as that statute requires the action to be brought within two years after the debt should have been paid in full. Here the obligation was due in 2010 and the motion was made almost five (5) years later.

Accordingly,

**IT IS ORDERED**, denying relief.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.